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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,822	11/29/2001	Anne H. Jeanblanc	8350.0613-00	1987

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EXAMINER

HIRL, JOSEPH P

ART UNIT	PAPER NUMBER
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2129

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/995,822

Applicant(s)

JEANBLANC ET AL.

Examiner

Joseph P. Hirl

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

1. This Office Action is in response to an AMENDMENT entered June 10, 2005 for the patent application 09/995,822 filed on November 29, 2001.
2. The First Office Action of February 11, 2005 is fully incorporated into this Final Office Action by reference.

Status of Claims

3. Claims 1, 8, 11 and 12 are amended. Claims 1-25 are pending.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "leverage" is a relative term and reduces the subject claim to a level of uncertainty or indefiniteness.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 1-11, 14-17 and 22-25 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claim raises a question as to whether the claim is directed merely to a concept that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. Related to claim 8, the concept of receiving over a transmission medium is equivalent to two people talking to each other.

The subject claims are not embodied in the technical arts.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claim 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Mui et al (U.S. Pub. 2003/0229529, referred to as **Mui**).

Claim 1

Mui anticipates identifying a need for the community of practice (**Mui**, p 0004-0007); identifying roles and responsibilities for participants in the community of practice (**Mui**, p 0082-0112); and identifying one or more goals for the community of practice, based on the identified need (**Mui**, p 0170), wherein a plurality of participants in the community of practice leverage the knowledge management system to collaborate to achieve the identified goals (**Mui**, p 0207-0210; EN: progress toward goals represents the concept of leveraging).

Claim 2

Mui anticipates identifying one or more community of practice managers (**Mui**, p 0082-0112); identifying one or more experts associated with the community of practice (**Mui**, p 1242); and collecting documents to be available to the community of practice (**Mui**, p 0617-0619).

Claim 3

Mui anticipates the identified community of practice managers are not equivalent to the identified experts (**Mui**, p 0164).

Claim 4

Mui anticipates determining a first security level for the plurality of users (**Mui**, p 0445-0450; Examiner's Note (EN): para 14. applies; level is determined by class; or other characteristics); determining a second security level for the one or more experts (**Mui**, p 0445-0450; EN: level is determined by class); and determining a third security

level for the one or more community of practice managers (**Mui**, p 0445-0450; 0462; EN: level is determined by class).

Claim 5

Mui anticipates first security level, the second security level, and the third security level are not equivalent (**Mui**, p 0445-0450; level is determined by class).

Claim 6

Mui anticipates providing training for users in the community of practice (**Mui**, p 0130).

Claim 7

Mui anticipates monitoring progress of the community of practice in achieving the identified goals (**Mui**, p 0850, 851).

Claim 8

Mui anticipates capturing knowledge from community of practice participants (**Mui**, p 0993, 1002); approving the captured knowledge (**Mui**, p 1002; EN: match is approved); delivering the approved knowledge to community of practice participants (**Mui**, p 1002, 1003); and maintaining knowledge in a knowledge database (**Mui**, Fig. 5), wherein the community of practice participants include a plurality of users, one or more community of practice managers, and one or more experts associated with the community of practice (**Mui**, p 0082-0112, 1002, 1236, 1242).

Claim 9

Mui anticipates opening the community of practice (**Mui**, p 0004-0007).

Claims 10, 24

Mui anticipates advertising the community of practice within an organization (Mui, p 1235; EN: the dialog of the manager with the individual represents advertising by the manager of his interest in the practice); and accepting subscriptions for membership in the community of practice (Mui, p 0116).

Claim 11

Mui anticipates receiving a the knowledge document from one of the plurality of users (Mui, p 0082-0105); and entering the submission in a document management system (Mui, p 0297-0299), wherein the received submission may be in one of a predetermined set of formats (Mui, p 0299).

Claim 12

Mui anticipates receiving, via electronic mail, a knowledge document (Mui, Fig. 3; p 0105).

Claim 13

Mui anticipates the knowledge document may include a word processing document, a presentation document, a spreadsheet document, an electronic mail document, or a link to a Web site (Mui, Fig. 3; p 0105).

Claim 14

Mui anticipates identifying a review team (Mui, p 1233; EN: the review team is the team available to help achieve a goal ... the review); review of the captured knowledge by the identified review team (Mui, p 1233, 1234; EN: manager and individual are viewing the captured knowledge of the group competency); and approval

of the captured knowledge, based on an indication from the review team (**Mui**, p 1233-1235; EN: approval of the captured knowledge is manifest in the action taken to strengthen the team).

Claim 15

Mui anticipates the review team includes one or more community of practice managers and one or more experts (**Mui**, p 0082-0105; EN: managers are experts).

Claim 16

Mui anticipates accepting feedback about the delivered knowledge from one or more participants in the community of practice (**Mui**, Fig. 27).

Claim 17

Mui anticipates revising the knowledge in the knowledge database based on the accepted feedback (**Mui**, p 1354).

Claim 18

Mui anticipates a community of practice (**Mui**, p 0004-0007), wherein the community of practice includes: a knowledge management architecture (**Mui**, p 1204); a plurality of users (**Mui**, p 0207-0210); one or more experts (**Mui**, p 1242); one or more community of practice managers (**Mui**, p 0082-0112); and a network interconnecting the knowledge management architecture, the plurality of users, the one or more experts, and the one or more community of practice managers (**Mui**, p 0082-0112, 0965, 1002, 1236, 1242), and wherein the knowledge management architecture includes: a web server module, connected to the network, for providing tools for use by participants in the community of practice (**Mui**, Fig. 1); a security module, connected to the web server

module, for ensuring security requirements are met (**Mui**, p 0059); an e-mail server, connected to the web server module and the network, for delivering knowledge to participants in the community of practice (**Mui**, p 0105); a knowledge database, connected to the web server module, for storing knowledge entries (**Mui**, Figs. 3, 4; p 0216); and a document management system, connected to the web server module, for permitting access to documents (**Mui**, Figs. 3, 4; p 0216).

Claim 19

Mui anticipates the web server module includes collaboration tools (**Mui**, Fig. 3, 4; p 0216).

Claim 20

Mui anticipates the web server module includes an electronic bulletin board system (**Mui**, Fig. 3, 4; p 0216; EN: an EBB is a computer system equipped with modems or internet connections that serve as information and message passage).

Claim 21

Mui anticipates a plurality of community groups are established within the organization and a plurality of communities of practice are associated with each such community group (**Mui**, Fig. 3, 4; p 0216).

Claim 22

Mui anticipates identifying a need for a community of practice (**Mui**, p 0004-0006); obtaining necessary permission from the knowledge management coordinator (**Mui**, p 1233-1235; EN: managers are knowledge management coordinators); identifying a community of practice manager and one or more experts for the community

of practice (**Mui**, p 0081-0105); identifying existing documentation associated with the community of practice (**Mui**, p 0009); determining at least one security level for the community of practice (**Mui**, p 0445-0450; EN: level is determined by class); identifying at least one goal for the community of practice (**Mui**, p 0170); making the community of practice available in the knowledge management system (**Mui**, p 0007); and monitoring the community of practice (**Mui**, p 0009).

Claim 23

Mui anticipates training users to participate in the community of practice (**Mui**, p 0009).

Claim 25

Mui anticipates measuring one or more of number of users; number of times a knowledge database is accessed; or amount of time to completion of the identified goals (**Mui**, p 0006, 0008; EN: number of user would be the "the one or more persons from a plurality of persons"; the number of times the knowledge database is accessed would be the number of users; time to completion of the identified goals is associated with measuring operational productivity).

Response to Arguments

10.. Applicant's arguments filed on June 10, 2005 related to Claims 1-25 have been fully considered but are not persuasive.

In reference to Applicant's argument:

The Examiner's "technological arts" analysis is not supported and does not establish that claims 1-11, 14-17, and 22-25 are non-statutory.

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The Examiner alleges that the claims "are directed merely to a concept that is not tied to a technological art, environment, or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101." (OA at 4.) In summary, the Examiner asserts the claims "are not embodied in the technical arts." *Id.* In rejecting claims 1-11, 14-17, and 22-25, however, the Examiner does not cite to controlling case law or M.P.E.P. provisions to support the rejections. Instead, the Examiner merely concludes that claims 1-11, 14-17, and 22-25 are non-statutory based on 35 U.S.C. § 101 without providing guidance and legal support for the conclusions.

Examiner's response:

What is necessary and sufficient has been provided. The appropriate statute has been cited and reasons therefore given.

In reference to Applicant's argument:

In *In re Toma*, 197 U.S.P.Q. 852 (CCPA 1978) (OA at 3), the court made clear that the language in the case law regarding mental steps and technological arts "was not intended to form a basis for a new § 101 rejection." *In re Toma*, 197 U.S.P.Q. at 857. Further, *In re Musgrave*, 167 U.S.P.Q. 280 (CCPA 1970) states that the presumption that the law "requires all steps of a statutory 'process' to be physical acts applied to physical things" is an "erroneous idea." *In re Musgrave*, 167 U.S.P.Q. at 289. The court noted that "it was a misconstruction to assume that 'all processes, to be patentable, must operate physically upon substances.'" *Id.* at 289. Additionally, the Federal Circuit has indicated that arguing that process claims are not patentable subject matter because they lack physical limitations "reflects a misunderstanding of...[the] case law." *AT&T Corp. v. Excel Communications, Inc.*, 172 F.3d 1352, 1359 (Fed. Cir. 1999). Thus, assuming the Examiner alleges the method steps recited in claims 1-11, 14-17, and 22-25 are not within the technological arts because they "can be performed without interaction of a physical structure," such a position is not supported by the case law.

Examiner's response:

The subject claims are methodology or process claims, MPEP 2106 IV applies and the claimed invention simply does not comply with the requirements for patentability of process claims stated thereunder.

In reference to Applicant's argument:

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While the Examiner argues that Appellants' claims "are not embodied in the technical arts," (OA at 2) the Examiner does not articulate what subject matter would constitute the use of technology. Further, controlling case law makes clear that physical structures and computer-related limitations are not required for a claim to be statutory.

Examiner's response:

See above comments.

In reference to Applicant's argument:

Contrary to the Examiner's position, claims 1-11, 14-17, and 22-25 are not abstract. According to the Federal Circuit, the inquiry of whether a claim is statutory focuses on "the essential characteristics of the subject matter, in particular, its practical utility." *State Street Bank & Trust Co. v. Signature Fin. Group, Inc.*, 149 F.3d 1368, 1375 (Fed. Cir. 1998). If a claim includes recitations that produce "a concrete, tangible and useful result," the claim is not abstract and has practical utility. See *State Street*, 149 F.3d at 1373, *AT&T Corp. v. Excel Communications, Inc.*, 172 F.3d 1352, 1358 (Fed. Cir. 1999). And if the claim is not abstract and has practical utility, it is statutory under 35 U.S.C. § 101.

The Examiner's conclusory statement that claims 1-11, 14-17, and 22-25 would not produce a concrete, useful, and tangible result is incorrect. To expedite prosecution of this application, Applicants have amended independent claims 1 and 8 to address the Examiner's concerns. For example, amended claim 1 recites, inter alia: "the community of practice having access to a knowledge management system" and "wherein a plurality of participants in the community of practice leverage the knowledge management system to collaborate to achieve the identified goals." Claim 8 recited, inter alia, "capturing knowledge from community of practice participants based on a knowledge document received over a transmission medium" and "maintaining knowledge in a knowledge database." Because the knowledge management system, knowledge document, transmission medium, and knowledge database are within the technological arts, claims 1 and 8 are not merely directed to a concept that is not tied to a technological art. Further, the steps recited in claims 1 and 8 do produce useful, concrete, and tangible results, such as leveraging the knowledge management system to achieve identified goals and maintaining knowledge in a knowledge database.

Moreover, contrary to the Examiner's assertions, claim 22 is directed to the technological arts. For example, claim 22 recites, "[a] method of establishing a community of practice in a knowledge management system including a knowledge management coordinator . . . making the community of practice available in the knowledge management system." As noted above, the knowledge management system is within the technological arts.

Examiner's response:

Para 14. applies. The First Office Action dated, February 11, 2005, page 2 did not cite the subject claims as being abstract. Simply stated to the extent of a trivial example, the related claims can be implemented with pencil and paper or a person

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merely talking to another. A knowledge management system can be pencil and paper implemented. Such claims are not embodied in the technical arts.

In reference to Applicant's argument:

The Examiner asserts Mui et al., discloses a "community of practice." In particular, the Examiner asserts Mui et al. teaches identifying a need for, roles and responsibilities for participants of, and one or more goals for, a "community of practice." (See OA at 3.) Applicants disagree. Although Mui et al. mentions a system for managing one or more persons to achieve a goal, the reference falls short of disclosing at least a community of practice including users, one or more experts, and one or more community of practice managers, as recited in claim 1. Indeed, the Examiner cites to managing software executed by Mui et al, for managing software objects and information associated with its workforce planning system. (See e.g., [0082-0112].) The managing software or a user who executes the software is not a practice manager that is included in a community of practice including users and one or more experts. Accordingly, Mui et al. does not teach identifying a need for the community of practice because the reference does not teach a community of practice, as recited in claim 1. Further, Mui et al. does not teach identifying roles and responsibilities for participants in the community of practice because the reference does not disclose the same participants (i.e., users, experts, and practice managers.) Similarly, Mui et al. does not teach identifying one or more goals for the community of practice. While Mui et al. may mention goals for users, and processes associated with achieving those goals, none of the mentioned goals are related to a community of practice including the participants recited in claim 1.

Examiner's response:

Para 14. applies. First Office Action applies. Mui @ p 0004-0007 references organization, goals, workforce, employees and team members which would embody a community of practice that includes users (employees) wherein there would be at least one expert. The identification of roles and responsibilities for participants in the community of practice has been anticipated by Mui @ p 0082-0112. By the very nature of being a manager related to the descriptors of Mui @ 0082-0112 establishes a community of practice that includes users and one or more experts. Goals establish needs as set forth by Mui @ p 0170. If one is managing human performance, competencies and goals are included (Mui, @ p 0170). If one is developing goals for

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users, it follows axiomatically that such goals are related to the participants and therefore to a community of practice.

In reference to Applicant's argument:

As explained, Mui et al. does not teach community of practice participants including users, one or more community of practice managers, and one or more experts associated with the community of practice. Accordingly, the reference does not teach at least capturing knowledge from community of practice participants and delivering to these participants approved knowledge.

Examiner's response:

Above discussion applies.

In reference to Applicant's argument:

Claims 9-17 ... For example, contrary to the Examiner's assertions, the AccountabilityManager disclosed by Mui et al. does not manage organization membership within the context of a community of practice. (See Mui et al., 1 [0116].) Instead, the organization membership mentioned in Mui et al. refers to organizations associated with entities in the system. Moreover, the AccountabilityManager (or any other component taught by Mui et al.) does not suggest or disclose accepting subscriptions for membership in the community of practice.

Examiner's response:

Claims 9-17 do not cite a limitation of "manage organization membership within the context of a community of practice.

In reference to Applicant's argument:

Claim 18 includes recitations similar to claim 1. For instance, claim 18 recites a community of practice including a knowledge management architecture, a plurality of users, one or more experts, and one or more community of practice managers. Further, claim 18 recites a network interconnecting the knowledge management architecture, the plurality of users, the one or more experts, and the one or more community of practice managers. Contrary to the Examiner's assertions, Mui et al. does not disclose these features. As explained above in connection with claim 1, Mui et al. does not teach a community of practice including users, experts and practice managers. Instead, Mui et al. discloses persons that may be identified to perform tasks for achieving a goal. These persons and any group formed from them, do not include the community of practice managers, as recited in claim 18.

Examiner's response:

Para 14. applies. First Office Action applies. Mui @ p 0004-0007 references organization, goals, workforce, employees and team members which would embody a community of practice that includes users (employees) wherein there would be at least one expert. The identification of roles and responsibilities for participants in the community of practice has been anticipated by Mui @ p 0082-0112. By the very nature of being a manager related to the descriptors of Mui @ 0082-0112 establishes a community of practice that includes users and one or more experts. Goals establish needs as set forth by Mui @ p 0170. If one is managing human performance, competencies and goals are included (Mui, @ p 0170). If one is developing goals for users, it follows axiomatically that such goals are related to the participants and therefore to a community of practice. Mui @ p 0130 – 0158 has learning session managers that embody a community of practice managers.

In reference to Applicant's argument:

Additionally, Mui et al. does not teach at least identifying a community or practice manager and one or more experts for the community of practice, as recited in claim 22. As explained, the persons that perform tasks in Mui et al. do not include practice managers. Instead, a manager of the organization uses the software applications to determine how a goal can be achieved using members of an already established team. The manager may not even be part of that team and is not identified as part of a community of practice including users and experts.

Examiner's response:

Para 14. applies. First Office Action applies. Mui @ p 0004-0007 references organization, goals, workforce, employees and team members which would embody a community of practice that includes users (employees) wherein there would be at least one expert. The identification of roles and responsibilities for participants in the

community of practice has been anticipated by Mui @ p 0082-0112. By the very nature of being a manager related to the descriptors of Mui @ 0082-0112 establishes a community of practice that includes users and one or more experts. Goals establish needs as set forth by Mui @ p 0170. If one is managing human performance, competencies and goals are included (Mui, @ p 0170). If one is developing goals for users, it follows axiomatically that such goals are related to the participants and therefore to a community of practice. Mui @ p 0083 establishes the Core Services and identifies in detail the session managers ... Mui anticipates the community of practice including users and experts ... users being students ... experts being the identified session managers.

Examination Considerations

11. The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the

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art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

12. Examiner's Notes are provided to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but a link to prior art that one of ordinary skill in the art would find inherently appropriate.

13. Unless otherwise annotated, Examiner's statements are to be interpreted in reference to that of one of ordinary skill in the art. Statements made in reference to the condition of the disclosure constitute, on the face of it, the basis and such would be obvious to one of ordinary skill in the art, establishing thereby an inherent prima facie statement.

14. Examiner's Opinion: paras 11-13 apply. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Claims 1-25 are rejected.

Correspondence Information

17. Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner, Joseph P. Hirl, whose telephone number is (571) 272-3685. The Examiner can be reached on Monday – Thursday from 6:00 a.m. to 4:30 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Anthony Knight can be reached at (571) 272-3687.

Any response to this office action should be mailed to:

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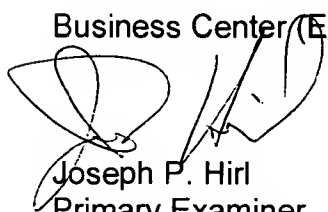
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(located on the first floor of the south side of the Randolph Building);

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Joseph P. Hirl
Primary Examiner
August 10, 2005